

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:09CR357
vs.)	
)	ORDER
PAUL R. MESSERSCHMIDT,)	
)	
Defendant.)	

This matter is before the court on defendant's motion to continue trial. The motion is unopposed, and the court finds that the defendant has shown good cause for a continuance, due to the defendant's medical condition.

IT IS ORDERED that the motion to continue trial (Doc. 16) is granted, as follows:

1. The jury trial now set for January 5, 2010 is continued to March 9, 2010.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between January 5, 2010 and March 9, 2010, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because the failure to grant a continuance would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
3. The defendant shall file the affidavit or declaration required by NECrimR 12.1(a) as soon as is practicable.

DATED December 21, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**